

City Council Introduction: **Monday**, March 17, 2003  
Public Hearing: **Monday**, March 24, 2003, at **1:30 p.m.**

Bill No. 03-45

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3395**, from B-1 Local Business to R-5 Residential, requested by Martin Luther Homes Nebraska Housing, on property generally located at North 63<sup>rd</sup> & Y Streets.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/05/03  
Administrative Action: 03/05/03

**RECOMMENDATION:** Approval (7-0: Bills-Strand, Carlson, Newman, Taylor, Larson, Krieser and Schwinn voting 'yes'; Duvall and Steward absent).

### **FINDINGS OF FACT:**

1. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that while this application is not in strict compliance with the Land Use Plan, it does meet the spirit and intent of the Comprehensive Plan.
2. The applicant's testimony is found on p.6-7, and the additional renderings and site plans submitted by the applicant are found on p.14-16.
3. There was no testimony in opposition.
4. On March 5, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of this change of zone request.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 10, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 10, 2003

**REFERENCE NUMBER:** FS\CC\2003\CZ.3395

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Change of Zone 3395

**DATE:** February 12, 2003

**SCHEDULED PLANNING COMMISSION MEETING:**

**DATE:** March 5, 2003

**PROPOSAL:** Rezone approximately 0.58 acres from B-1 Local Business to R-5 Residential to permit the construction of a 5-unit housing facility for developmentally challenged adults.

**LAND AREA:** 25,278 sq. ft., or 0.58 acres, more or less.

**CONCLUSION:** While this application is not in strict compliance with the Land Use Plan, it does meet the spirit and intent of the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>
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Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 2, 3, and 4, and the South Half of the east-west alley adjacent thereto, Block 90, Bethany Heights Addition, all located in the NE1/4, Section 21, T10N, R7E, Lancaster County, Nebraska.

**LOCATION:** North 63<sup>rd</sup> and Y Streets

**APPLICANT:** Martin Luther Homes Society  
Sandy Volker  
650 J Street, Ste. 305  
Lincoln, NE 68508  
434.3250

**OWNER:** Chandler A. Tyrrell  
3901 South 27<sup>th</sup> Street, Unit 12  
Lincoln, NE 68502  
423.6106

**CONTACT:** Kurtis Suhr  
8030 Thornview Road  
Lincoln, NE 68506  
489.5290

**EXISTING ZONING:** B-1 Local Business

**EXISTING LAND USE:** Vacant

**SURROUNDING LAND USE AND ZONING:**

North:	Vacant, Commercial	B-1 Local Business
South:	Single-Family Residential	R-2 Residential
East:	Commercial	B-1 Local Business
West:	Apartments (via CUP)	R-3 Residential

**HISTORY:**

May 1979 Prior to the 1979 zoning update, this property was zoned G Local Business District. After the update, the zoning designation changed to B-1 Local Business District.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Comprehensive Plan Land Use Plan shows this property as Commercial. (F 25)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods... (F 17)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. (F 18)

Many activities of daily living should occur within walking distance. (F 18)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family "starter" home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. (F 65)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F 66)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (F 66)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. (F 69)

Expansion in existing [commercial] centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. (F 69)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses. (F 69)

Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial centers. (F 69)

The key to both new and existing urban neighborhoods is diversity...For existing neighborhoods, the diversity is often already in place, but efforts must focus on maintaining this balance and variety....New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods. Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front street side. The diversity of land uses, including commercial and congregate living facilities are important to the diversity of an area, provided they fit within the character of the block and neighborhood. (F 71)

Congregate [housing] facilities should be designed and located to enhance the surrounding neighborhood. Reasonable spacing, design, and operational requirements should be created for all congregate facilities to preserve the neighborhood character while providing for those with special needs. (F 72)

Public Transportation is an essential component of the transportation system and should be integrated with all other transportation modes...These public services are critical to those persons that are dependent on public transit services. (F 97)

**HISTORY:** No relevant history.

**UTILITIES:** Public utilities are available to serve this property. However, water main upgrades may be required to provide adequate water pressures for sprinkler systems. See attached memo from Public Works.

**TRAFFIC ANALYSIS:** The existing and future classification for North 63<sup>rd</sup> Street and Y Street is Local Street. See attached memo from Public Works.

**PUBLIC SERVICE:**

StarTRAN provides weekday and Saturday service at the intersection of North 66<sup>th</sup> and Holdrege Streets, approximately 4 blocks northeast from this location.

The MoPac Trail and Bethany Park are located at the intersection of Vine Street and Cotner Boulevard, approximately 3 blocks south of this location.

The Bethany branch of Lincoln Public Libraries is located at 1810 N. Cotner Boulevard, approximately 8 blocks northeast of this location.

Fire Station #9 is located at 901 N. Cotner Boulevard, approximately 2 blocks southwest of this location.

**ANALYSIS:**

5. This is an application to rezone this property from B-1 Local Business to R-5 Residential in order to allow the development of a 5-unit housing facility for developmentally challenged adults.
6. Although this area is shown Commercial in the Land Use Plan, the Comprehensive Plan recognizes district boundaries are generalized and transitions should be gradual.

7. In this part of Lincoln, the Land Use Designations generally followed the zoning pattern. The general location of commercial activity in this area is along North Cotner Boulevard, without much intrusion into the residential area. This multiple family use would further buffer existing residences from nearby commercial uses.
8. A multiple family use of this property would provide a reasonable transition between the residential and commercial districts. Such a use would also result in residential uses being across the street from one another. Currently, a commercial use could locate here, across from residential uses in two directions.
9. Turning this into a developed site would utilize existing infrastructure already in place. This site is accessible by public utilities, with the only caveat being that water may need to be upgraded to serve sprinkler systems.
10. The Comprehensive Plan discusses the need to provide a variety of housing types within each neighborhood, safe housing for each citizen, and housing for persons with special needs. The proposed development would provide a medium-intensity residential use between single family residences and large scale apartments.
11. The Comprehensive Plan suggests housing should be located within walking distance of daily activities. Many of the prospective tenants may not have the ability to drive. This site places them in close proximity to public transportation, shopping, recreation, and a public library.
12. By changing the zoning of this property to R-5 Residential, this property could be developed to full R-5 potential. This means that based upon the lot area requirement in the R-5 district of 1,500 square feet of lot per unit, this property could support 16 dwelling units, assuming required open space and parking requirements could also be provided.
13. Driveway locations to the proposed use will need to be reviewed to avoid conflicts with existing driveway uses in the area.
14. The Public Works Department has no objection to this requested change of zone.
15. The Building and Safety Department has not commented on this request.

Prepared by:

Greg Czaplewski  
Planner

# CHANGE OF ZONE NO. 3395

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 5, 2003

Members present: Bills-Strand, Carlson, Newman, Taylor, Larson, Krieser and Schwinn; Duvall and Steward absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

### Proponents

1. **Sandy Volker**, Director of special projects for **Martin Luther Homes**, clarified that the applicant is "MLH Nebraska Housing". MLH Nebraska Housing is a private nonprofit organization which provides support to seniors and people with disabilities. The national offices were moved to Lincoln about nine years ago. Seven years ago, MLH Nebraska Housing started service and support in Lincoln. During that entire time, they have had difficulty finding accessible affordable housing, and last year had to deny people some services because they could not find the housing. They submitted an application to HUD for accessible and affordable housing for people with disabilities, and received the award last November. They now have acquired the subject property, which is just a drop in the bucket as far as the need but will provide 5 apartment units on this site.

2. **Kurt Suhr of Architecture One**, confirmed that the grant has been secured from HUD for the 5 apartments. Part of the grant requirements is site control and being able to show a site demonstrating all the amenities that are around it. The site that has been selected is at the northeast corner of 63<sup>rd</sup> & Y Streets. It was selected because of the character of the neighborhood—there is a bus route on Holdrege at 66<sup>th</sup>, shopping, public park, etc. The site is pretty flat and this is good for affordable and accessible housing.

The B-1 uses in the area include Tyrrells Flowers and the Kwik Shop. There is R-2 zoning to the north and south, and R-3 zoning to the west. The R-3 is high density. The site is a little over one-half acre. Suhr believes the R-5 zoning requested is in character with what exists in the R-3 zoning across the street. It will provide a nice transition between the R-3 and R-5. It is consistent with the Comprehensive Plan and well within walking distance of uses for the tenants.

Suhr then showed a preliminary site plan which showed the building being located in the southwest corner of the site with the parking to the east side of the site to buffer the building from the Kwik Shop. The east side is considered the rear yard and will allow them to meet the parking requirements. They will have 9 parking stalls and will provide the landscaping according to city standards.

Suhr clarified that because the project is funded by HUD, the number of apartments cannot change from five without severe penalties. There will be one build with four 2-bedroom apartments and one 1-bedroom apartment, and a small community area. The emphasis on this project is independent living.

Suhr also showed preliminary elevations of the building and explained the exterior materials.

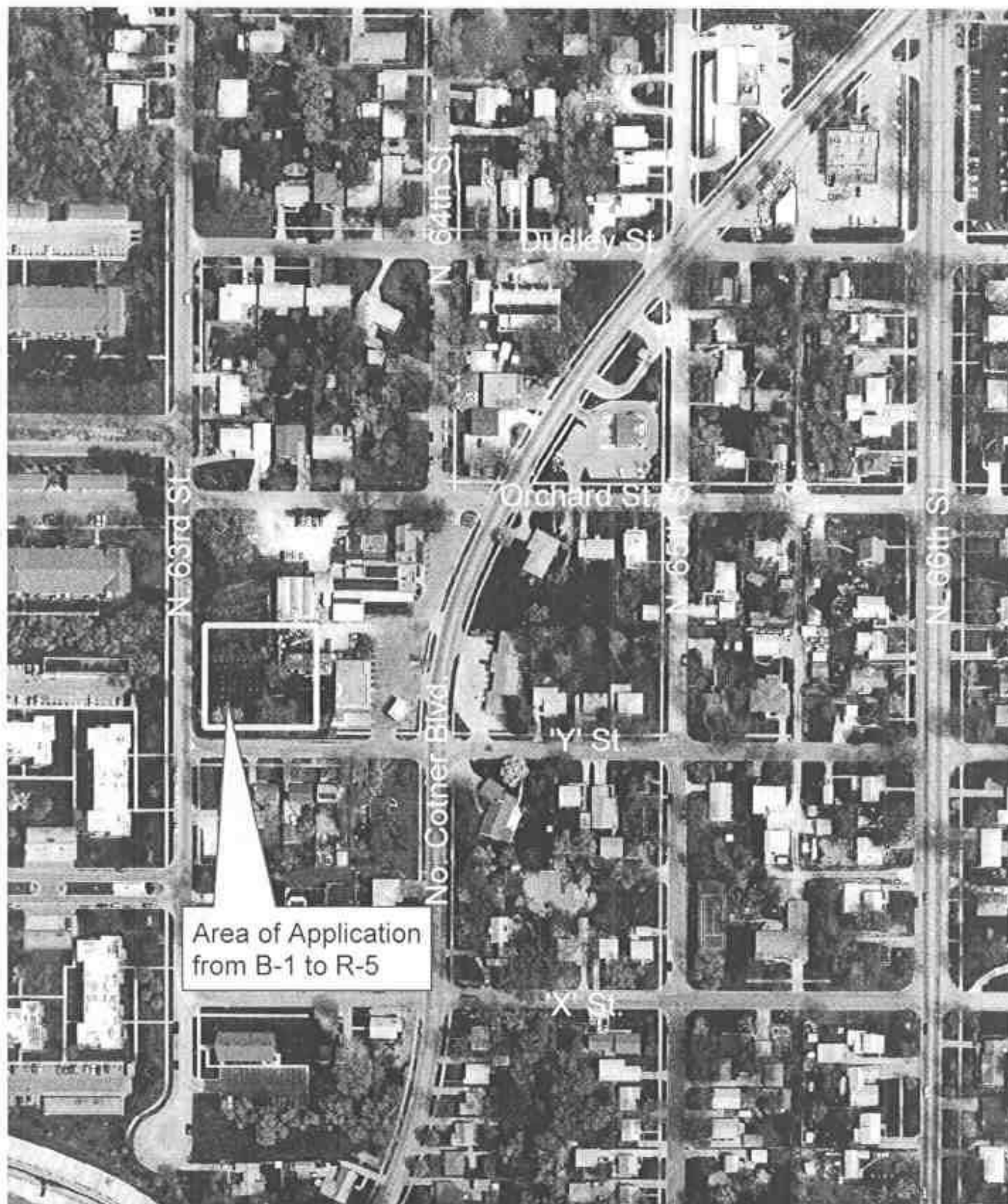
There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 5, 2003

Newman moved approval, seconded Taylor and carried 7-0: Bills-Strand, Carlson, Newman, Taylor, Larson, Krieser and Schwinn voting 'yes'; Duvall and Steward absent.

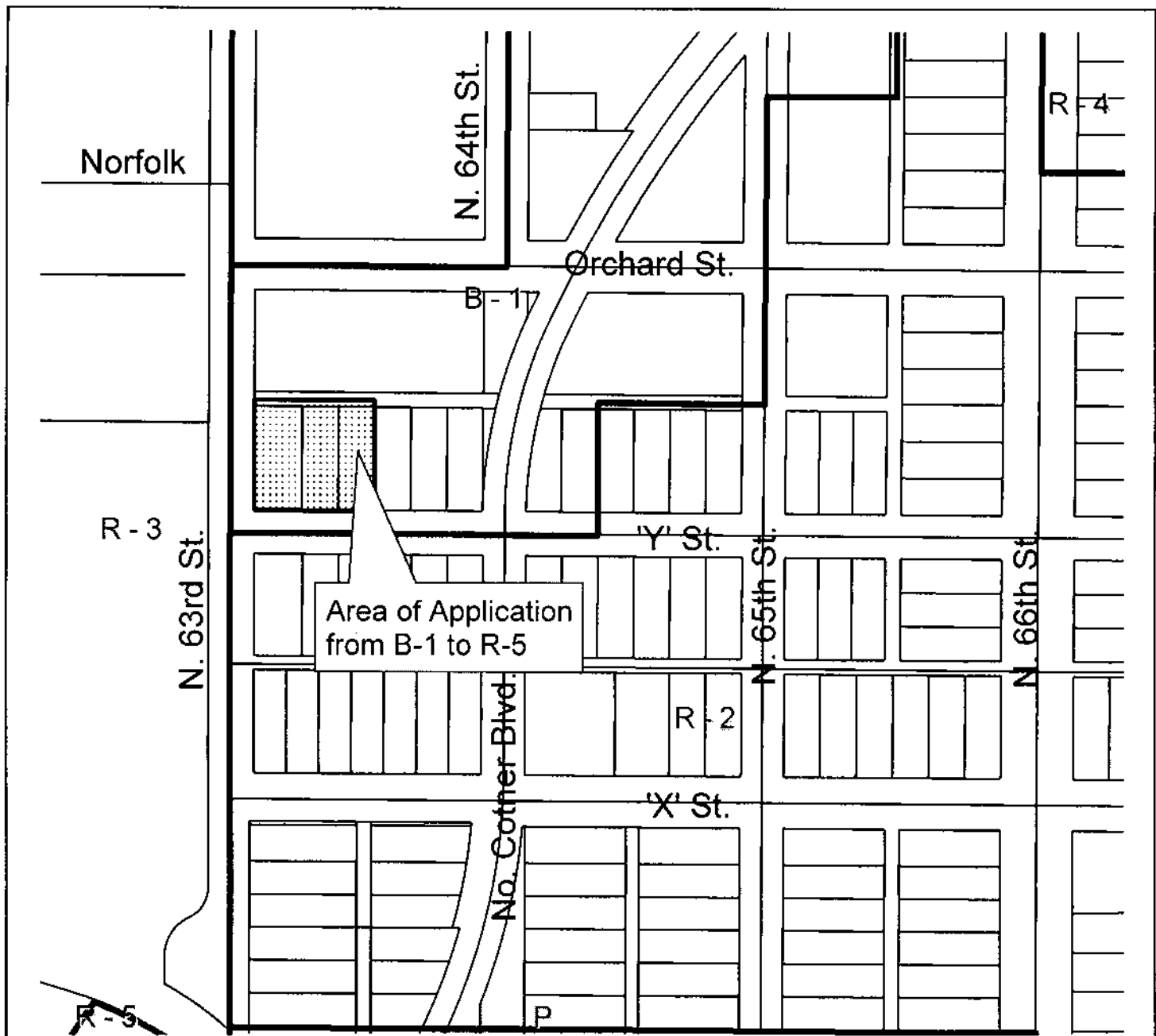


## Change of Zone #3395 N. 63rd & 'Y' St.



Lincoln City - Lancaster County Planning Dept.  
1997 aerial





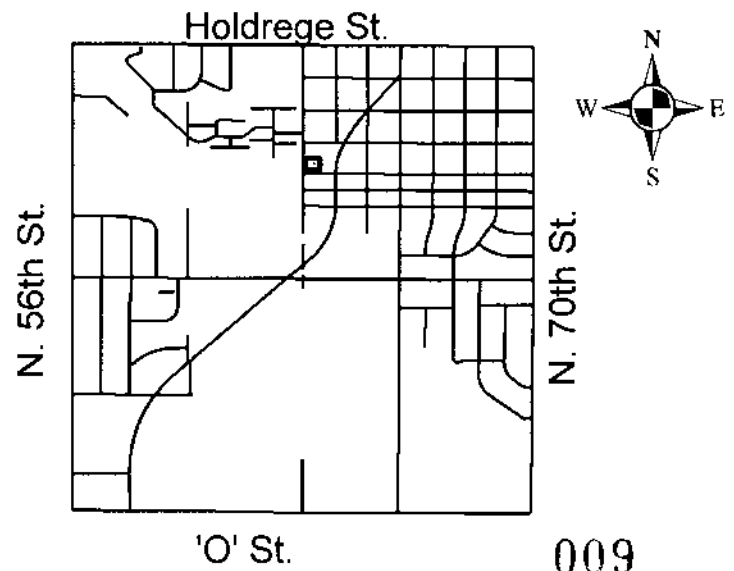
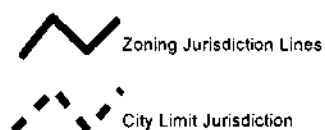
## Change of Zone #3395

N. 63rd & 'Y' St.

**Zoning:**

R-1 to R-5	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 21 T10N R7E



: City of Lincoln  
: Planning Department  
: 555 S 10th Street  
: Lincoln, NE 68508

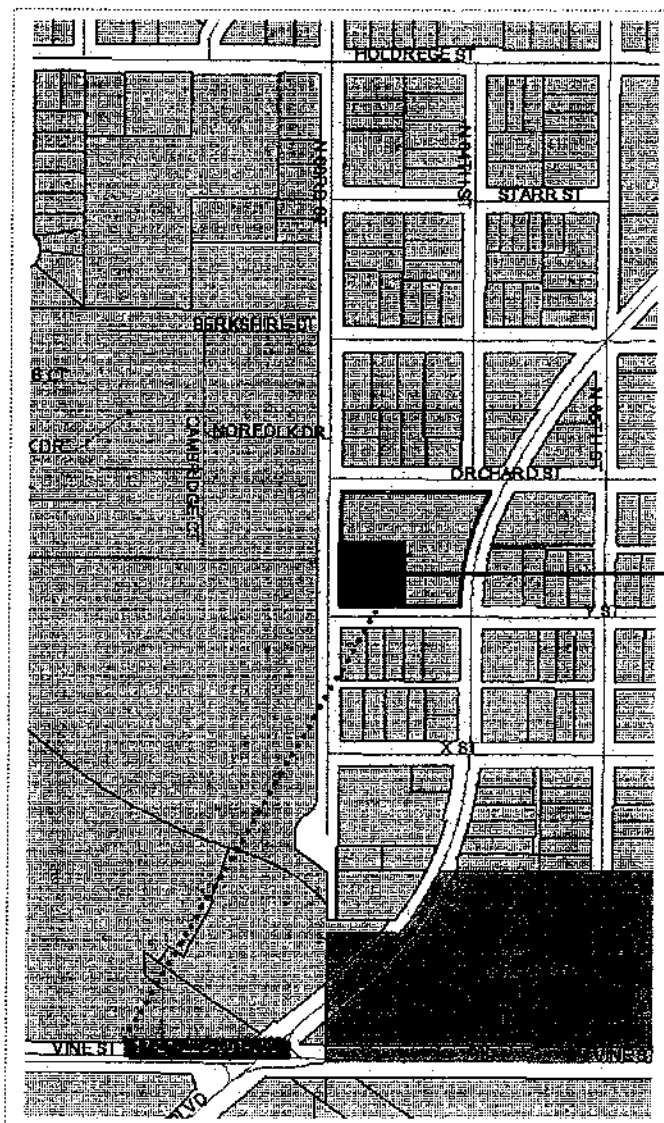
2/5/2003

Re: **Martin Luther Homes – Zoning Application**  
**63<sup>rd</sup> and Y Streets, Lincoln, NE**  
**Project # 2003-1**

Dear Sirs:

Martin Luther Homes is proposing to develop five apartments of affordable housing for the developmentally challenged in Lincoln, NE. Funding for the project has been secured via a successful Section 811 grant application to the United States Department of Housing and Urban Development (HUD).

Property for the project has been secured at a site located northeast of the intersection of 63<sup>rd</sup> and Y Streets as illustrated below.



**Project Site Location**

- Lots 2,3 and 4 and 1/2 of east-west alley.
- 166.3 E-W x 152 N-S
- 25,278 sf
- .58 acres.

FEB 5 2003

LINCOLN CITY CLERK'S OFFICE  
PLANNING DEPARTMENT

8030 Thornview Road, Lincoln, NE 68506  
phone / fax • [402] 489.5290  
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e-mail • lsarchone@AOL.com

ArchitectureOne

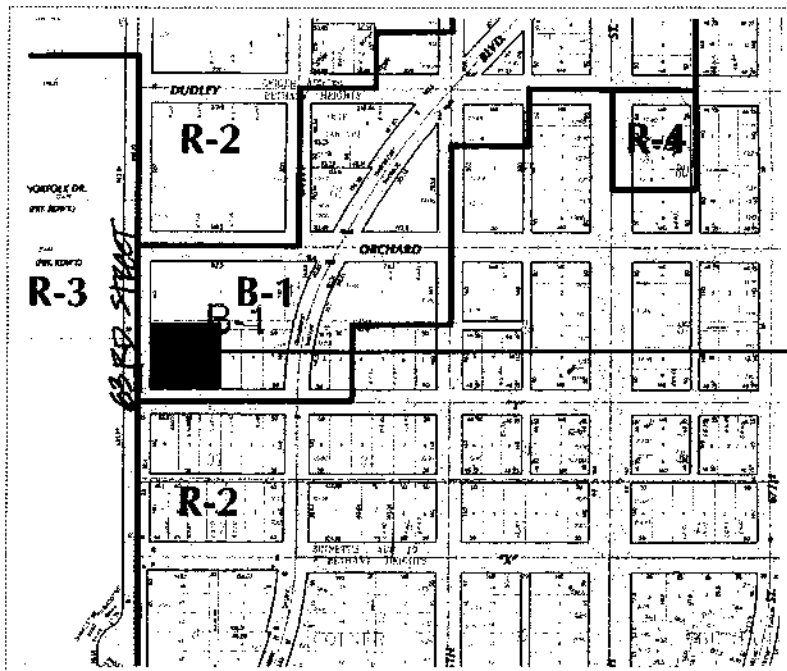
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2/5/2003

The property is legally described as:

*"Lots 2, 3 and 4, including the South Half of the platted alley way, Block 90, Bethany Heights Subdivision NW/4, NE/4 Sec. 21, T10N, R6E of the 6<sup>th</sup> Principle Meridian, Lancaster County, Nebraska."*

The property currently is zoned B-1 as illustrated below:



**Project Site Location**

- Lots 2,3 and 4 and 1/2 of east-west alley.
- 166.3 E-W x 152 N-S
- 25,278 sf
- .58 acres.

The current zoning of B-1 does not allow the construction of the proposed housing usage. We requesting the zoning of the property be changed from B-1 to R-5. The area of the site is approximately 25,278 sf or .58 acres. It is surrounded by R-2 zoning south of "Y" Street and R-3 zoning west of North 63<sup>rd</sup> Street. And if approved, the existing zoning north and east of the site will remain as designated, B-1.

We believe the new zone of R-5 is in character with the existing neighborhood. The majority of the R-2 zoned areas are composed of single family residences and the R-3 zoned area is composed of multistory and multiple tenant apartment structures. The B-1 zoned area is composed of a Kwik Shop at North Cotner and "Y" Street and a Floral Shop at North Cotner and Orchard Street. The proposed building on this site will be one story residential design to complement the single family venacular of the neighborhood and provide a natural transition between the surrounding residential areas and the existing adjacent businesses.

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ArchitectureOne

City of Lincoln  
Planning Department  
555 S 10th Street  
Lincoln, NE 68508

2/5/2003

The square footage of the independent living facility will be approximately 4000 sf consisting of a total of 4 two-bedroom apartment units at 800 sf each and 1 one-bedroom apartment unit at 540 sf for. Note these sizes are regulated by HUD and can not be exceeded. Each dwelling apartment unit will consist of a living room, kitchen/dining area, a bath, bedroom(s), closet with washer and dryer hook-ups, and ample storage space. No staff members will reside in the facility. Common areas will include a Community Room area for resident social gathering, Storage Room and Utility/Mechanical/Maintenance Room.

Enclosed is the CITY OF LINCOLN ZONING APPLICATION and the required \$290.00 application fee. All pertinent information is listed on the application stating the Property Owner as Tyrrell's Flower Inc. (Chandler A. Tyrrell), the Applicant (Permittee) as Martin Luther Society Nebraska Housing Corporation and the Contact person as Sandy Volker.

Please review the application and notify me should additional information be needed.

Sincerely,



Kurtis Suhr

cc. Sandy Volker - Martin Luther Home  
Chandler Tyrrell  
Hanna: Keelan Associates

RECEIVED

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..... ArchitectureOne

# Memorandum

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**To:** Greg Czaplewski, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *CB*  
**Subject:** Change of Zone #3395  
**Date:** February 10, 2003  
**cc:** Randy Hoskins  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the proposed change of zone for the property located on the northeast corner of North 63rd and "Y" Streets.

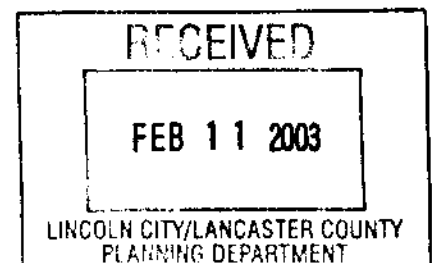
The east/west alley north of "Y" Street between North 63rd and Cotner Boulevard is vacated.

Utilities are available to serve this location. However, water main upgrades may be required to provide adequate water pressures for sprinkler systems.

Driveway locations to the proposed Martin Luther Homes Apartments will need to be reviewed to avoid conflicts with existing driveway uses in this area.

Public Works has no objection to the requested change of zone.

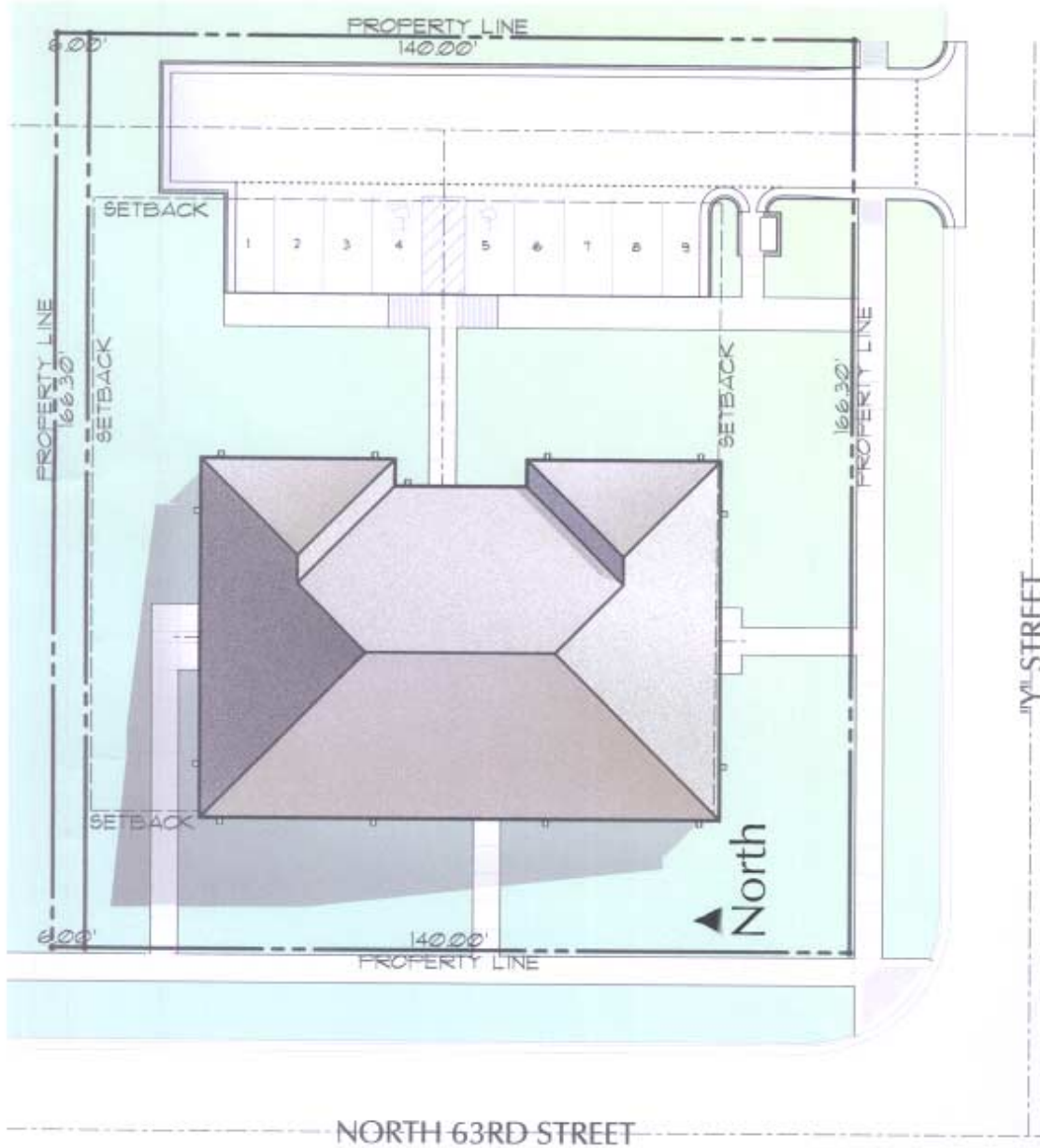
CZ3395 (dm wpd)





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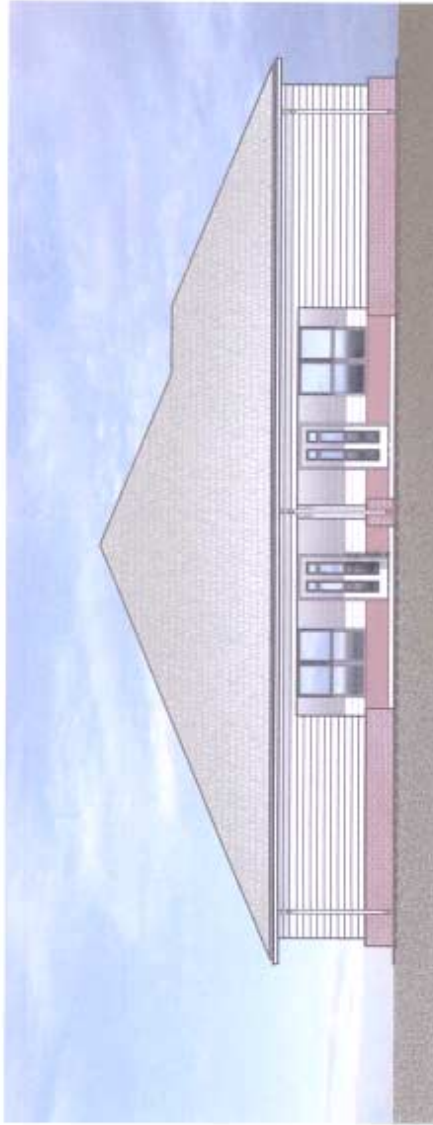
ArchitectureOne



Site Plan

no scale

2/28/2003



Side Elevation



Front Elevation

Typical Exterior Elevations

no scale

2/28/2003

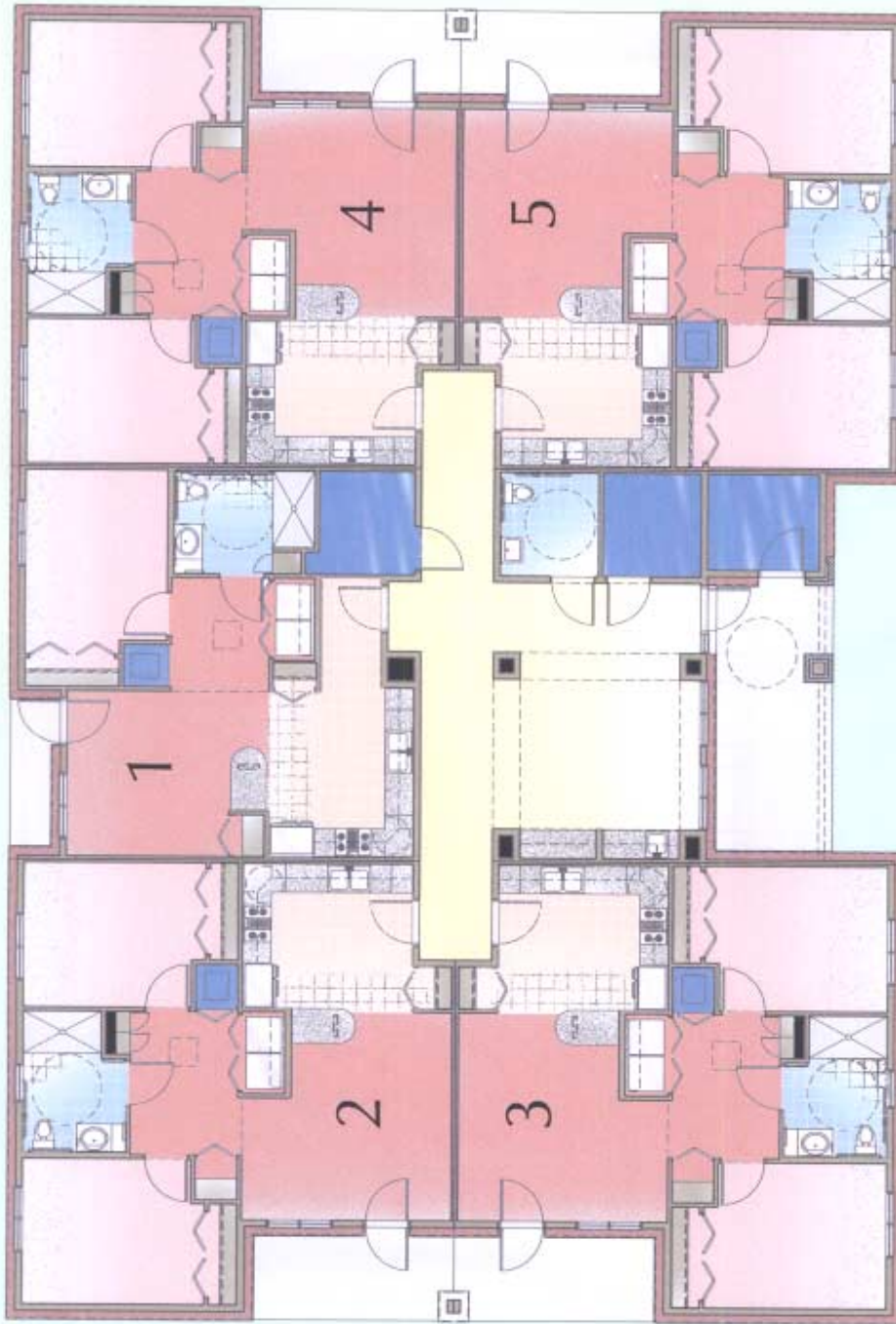


Martin  
Luther  
Homes

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e-mail • kmarchone@MLH.com







Typical Floor Plan

no scale

2/28/2003





March 7, 2003

Kurtis Suhr  
Architecture One  
8030 Thornview Rd.  
Lincoln, NE 68506

RE: Change of Zone No. 3395  
(B-1 to R-5 - No. 63<sup>rd</sup> & Y Streets)

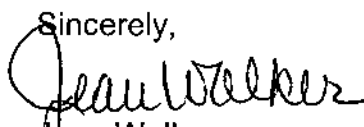
Dear Mr. Suhr:

On March 5, 2003, the Lincoln City-Lancaster County Planning Commission voted 7-0 to recommend approval of the above referenced change of zone request.

This application is tentatively scheduled for public hearing before the Lincoln City Council on **Monday, March 24, 2003, 1:30 p.m.**

Please contact me if you have any questions at 441-6365.

Sincerely,

  
Jean Walker  
Administrative Officer

I:\pc\notification letters\2003\act0305.03

cc: Sandy Volker, MLH Nebraska Housing, 650 J Street, Suite 305, 68508  
Chandler Tyrrell, Tyrrell's Flowers, Inc., 3901 So. 27<sup>th</sup>, Unit 12, 68502

